

BILL ANALYSIS

By: Barrientos

S.B. 962
Enrolled

BACKGROUND:

Home-rule cities have full annexation power except when limited by statute. The Municipal Annexation Act governs the annexation of land by incorporated cities and applies to both home-rule cities and to general law cities. The Act requires that a city, prior to annexation, prepare a service plan that provides for the extension of full municipal services into the area to be annexed. The Act does not limit or repeal home-rule charter provisions for annexation for limited purposes other than ad valorem taxation. All cities are prohibited, until June 1, 1987, from amending their charter to authorize annexations for limited purposes and it is provided that a city's extraterritorial jurisdiction is not extended by limited-purpose annexations.

PURPOSE:

As proposed, S.B. 962 provides rules to govern limited-purpose annexation by incorporated cities.

RULEMAKING AUTHORITY:

It is the committee's opinion that this bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS:

SECTION 1. Amends Section 7 (B-1), Article 970a, V.T.C.S., by changing from 500 feet to 1000 feet the minimum width of an area that can be annexed by a city, except for an annexation which abuts or is contiguous to another jurisdictional boundary.

SECTION 2. Amends Article 970a, V.T.C.S., by adding Section 7c to prohibit certain strip annexations.

SECTION 3. Amends Section 7(B), Article 970a, V.T.C.S., by allowing a city to annex for full or limited purposes.

SECTION 4. Amends Section 10(A), (B), and (C), Article 970a, V.T.C.S., as follows:

(A) Prohibits a service plan from creating another political subdivision or from requiring a land owner in the annexed area from funding the capital improvements.

(B-2) Requires that any capital improvements be substantially complete within four and one-half years of the effective date of the annexation, with exceptions.

(C) Prohibits a service plan from providing a lower level of services than for other areas of the city with similar characteristics.

SECTION 5. Amends Title 28, V.T.C.S., by adding Article 970c, as follows:

Art. 970c. LIMITED-PURPOSE ANNEXATION

Sec. 1. Provides that this article applies to home-rule cities with populations of more than 225,000.

Sec. 2. Authorizes the governing body of a city to annex by ordinance an area for certain limited purposes. Provides certain criteria which must be met for area to be annexed.

Sec. 3. Requires that a planning report and regulatory plan must be prepared and made available to the public, by prescribed methods. Stipulates that the studies must fulfill certain requirements.

Sec. 4. Requires that a public hearing be held before the institution of proceedings for annexing an area for limited purposes. Provides the methods that must be followed in publicizing and conducting such a hearing.

Sec. 5. Provides for the adoption of the regulatory plan by a governing body.

Sec. 6. Requires that the annexation of an area for limited purposes must be completed within ninety days after the proceedings are instituted.

Sec. 7. (a) Provides that the qualified voters of an area annexed for limited purposes are entitled to vote in certain elections.

(b) Prohibits a resident of the area from being a candidate for municipal office.

(c) Prohibits the city from imposing any tax in an area annexed for limited purposes. Allows the city to impose certain reasonable charges.

Sec. 8. Provides that the annexation of an area for limited purposes does not extend the city's extraterritorial jurisdiction.

Sec. 9. Provides for consensual annexation.

Sec. 10. Provides that this article does not affect the authority of a city to annex an area for limited purposes under any other statute.

Sec. 11. Requires that the city must annex the area for full purposes by a prescribed date.

Sec. 12. Provides for the enforcement of the requirements of this article.

Sec. 13. Prohibits certain strip annexations.

Sec. 14. Requires the disannexation of certain strip annexations.

SECTION 6. Provides that the provisions of Article 970c, V.T.C.S., apply only to limited-purpose annexations completed on or after September 1, 1987.

SECTION 7. Requires that land annexed for limited purposes prior to September 1, 1987, must be annexed for full purposes no later than December 31, 1988. Provides for disannexation if a city fails to do so.

SECTION 8. Amends Section 8(B) - (G), Article 970a, V.T.C.S., as follows:

(B)(1) Requires that any political subdivision created within the area of the extraterritorial jurisdiction of a city must obtain the written consent of that city in accordance with the provisions of the Texas Water Code. Requires the city to respond within ninety days to such a request. Allows an applicant to appeal a decision by the city to the Texas Water Commission (commission). Requires that the commission to grant such a request under certain conditions.

(2) Provides for an appeal of a ruling by the Texas Water Commission.

(C) Requires a city to immediately disannex land under certain conditions.

(D) Prohibits a city from unilaterally extending the time periods of this Act.

(E) Requires a city to reimburse a landowner when an annexation impairs a district's ability to issue bonds, if those costs would have been reimbursable from bond proceeds.

(F) Allows the board of directors of an annexed political subdivision to remain in existence under certain conditions and provisions

(G) Provides that any political subdivision created after January 1, 1985, shall have the power to construct and issue bonds for the design, construction, and maintenance of any roadways necessary to serve the existing or proposed development.

SECTION 9. Amends Subsections (a) - (d), Section 54.016, Water Code, as follows:

(a) Prohibits land within a city or city's jurisdiction to be included in a district unless the city grants its written consent in accordance with Article 970a, V.T.C.S.. Provides for "city service districts" and "noncity service districts." Prohibits a city consent from placing any restrictions or conditions on the creation of noncity service districts in return for its consent. Prohibits a city from refusing to approve a district bond issue for any reason except that the district is not in compliance with valid consent requirements applicable to that district. Provides for a landowners' appeal if those owners feel that a city has exceeded its powers.

(b) Provides for a petition to a governing body if that body fails to respond within ninety days to a written request for inclusion of land within its extraterritorial jurisdiction.

(c) Provides that failure by a governing body of a city and a majority of the electors or land owners in a district to execute a mutually agreeable contract within 120 days after receipt of a written request, shall constitute authorization for the inclusion of the land in a district.

(d) Provides for an appeal by landowners if a city fails or refuses to grant permission for the inclusion or to execute a mutually agreeable contract for the water or sanitary sewer service requested within the time limits contained within subsection (b) or (c) of this section.

SECTION 10. Effective date. September 1, 1987.

SECTION 11. Emergency clause.

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